

# FILED

IN THE UNITED STATES DISTRICT COURT FOR  
THE WESTERN DISTRICT OF OKLAHOMA

OCT 31 2014

CARMELITA REEDER SHINN, CLERK  
U.S. DIST. COURT, WESTERN DIST. OKLA.  
BY wh, DEPUTY

TEROME LEVI PORTER,

Petitioner,

vs.

TIM WILKERSON, Warden,

Respondent.<sup>1</sup>

No. CIV-14-1007-W

## ORDER

On September 26, 2014, United States Magistrate Judge Charles B. Goodwin issued a Report and Recommendation in this matter and recommended, inter alia, that the Application for Leave to Proceed in Forma Pauperis filed by petitioner Terome Levi Porter be denied and that Porter be ordered to pay the filing fee in full. Porter was advised of his right to object to the Report and Recommendation, see Doc. 5 at 2, but the record shows that no objections have been filed within the allotted time.

Upon review, the Court concurs with Magistrate Judge Goodwin's suggested disposition of Porter's request that he be permitted to proceed in forma pauperis in this matter. At the time of the Report and Recommendation, Porter had an available balance of \$13.76 in his institutional savings account, see Doc. 4 at 8, which as Magistrate Judge Goodwin found, is sufficient to prepay the filing fee of \$5.00.

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<sup>1</sup>Porter also listed the Attorney General of the State of Oklahoma as a respondent in his Petition for Writ of Habeas Corpus. See Doc. 1. Because the state officer having custody of the petitioner is the proper respondent, see Rule 2, Rules Governing Section 2254 Cases in the United States District Courts, the Attorney General of the State of Oklahoma is DISMISSED as a respondent.

Accordingly, the Court

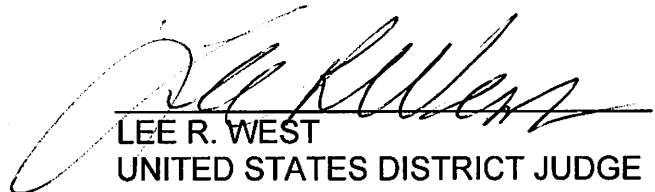
(1) ADOPTS the Report and Recommendation [Doc. 5] filed on September 26, 2014;

(2) DENIES Porter's Application for Leave to Proceed in Forma Pauperis [Doc. 4] file-stamped September 22, 2014;

(3) ORDERS Porter to pay the \$5.00 filing fee in full on or before November 21, 2014; and

(4) CAUTIONS Porter that if he fails to pay the filing fee in full or show good cause for his failure to comply by that date, the Court will dismiss this action without prejudice.

ENTERED this 31st day of October, 2014.

  
LEE R. WEST  
UNITED STATES DISTRICT JUDGE